

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**BUNGE MILLING, INC.**

**and**

**Case 33-CA-15997**

**OTTO L. COLLINS**

**ORDER**

The Acting General Counsel's Request for Special Permission to Appeal from Administrative Law Judge Geoffrey Carter's December 9, 2011 Order and Request to Stay the Judge's decision on deferral are denied. We find that the Acting General Counsel has failed to establish that the judge abused his discretion by requiring the parties to submit by December 23, 2011 pre-hearing briefs<sup>1</sup> on the issue of whether the Board should defer to the arbitrator's decision and award in accordance with *Olin Corp* 268 NLRB 573 (1984) and *Spielberg Mfg. Co.* 112 NLRB 1080 (1955). Further, the Acting General Counsel has failed to establish that any prejudice will result from the judge's actions, in light of the fact that the judge has agreed to an in camera review of any confidential evidence.

Dated, Washington, D.C., December 30, 2011.

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Mark Gaston Pearce,                      Chairman

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Craig Becker,                              Member

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Brian E. Hayes,                          Member

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<sup>1</sup> The Respondent's opposition brief stated that in a December 15, 2011 prehearing conference, the judge modified his Order and relieved the Acting General Counsel of any requirement to enter into joint stipulations or submit a joint set of exhibits.